

Remarks

The applicants provide the following remarks in response to the office action bearing a mailing date of October 28, 2004. The applicant respectfully requests withdrawal of the pending rejections in light of the following remarks.

A. Rejections Under 35 U.S.C. § 102

Claims 1-6, 8-13, and 15-16 stand rejected as being anticipated by Malave et al., U.S. Patent Application Publication 2002/0193679. The applicant respectfully traverses this rejection.

1. Claims 1-6

Claims 1-6 set forth a method of configuring a programmable pump that includes a combination of generating a user interface having a plurality of pages, at least one of the pages being a home page, and displaying a banner in the home page. A home page is a page that is the starting page for the user interface on the pump. See, e.g., the specification at page 10, line 14-page 12, line 7, and reference 152 on Figures 3-27.

Malave et al. fail to teach or suggest any such home page. The office action cites Figures 17, 18, etc. However, these figures and related passages in the detailed description merely disclose display screens for presenting data. See, e.g., paragraphs 31, 32, and 91-96. Malave et al. do not include any teaching that these display screens provide a starting page for a user interface.

Therefore, claims 1-6 are patentably distinct from Malave et al., and the applicant respectfully requests withdrawal of the pending rejection.

2. Claims 8-13

Claims 8-13 set forth a pump with memory storing a banner and a processor programmed to display the banner. The office action cites the top line of Figures 17 and 18 of Malave et al. as being a banner. However, this top line of the display screens is on a PC that interfaces with a pump, not on the pump itself as required by the present claims 8-13. See, e.g., paragraphs 68-70. Malave et al. fails to set for the claimed pump having memory storing a banner and a processor programmed to display the banner.

Therefore, claims 8-13 are patentably distinct from Malave et al., and the applicant respectfully requests withdrawal of the pending rejection.

3. Claims 15 and 16

Claims 15 and 16 both set forth a pump having a processor programmed to (a) generate a user interface having a plurality of pages, at least one of the pages being a home page, (b) retrieve a banner from the data port, (c) store the banner in memory, and (d) display the banner in the home page. As discussed above, Malave et al. fails to disclose a user interface having a home page and a pump having a banner. It also fails to disclose a pump having a banner. Therefore, claims 15 and 16 are patentably distinct from Malave et al., and the applicant respectfully requests withdrawal of the pending rejection.

B. Rejections Under 35 U.S.C. § 103

Claims 7 and 14 stand rejected as being anticipated by Malave et al., U.S. Patent Application Publication 2002/0193679, and further in view of Estes et al., U.S. Patent Application Publication 2003/0114836. The applicant respectfully traverses this rejection.

1. Claim 7

Claim 7 depends from claim 1 and thus also sets forth a method of configuring a programmable pump that includes a combination of generating a user interface having a plurality of pages, at least one of the pages being a home page, and displaying a banner in the home page. As discussed above Malave et al. fails to disclose a home page as set forth in the claims.

Estes et al. also fails to teaches or suggests a home page. Like Malave et al., Estes et al. teaches display screens as illustrated in Figures 4 and 5. Malave also discloses a main menu in Figure 6, but this user interface is a menu and is not a "home page" as set forth in the present claims and described in the specification. See, e.g., page 10, line 14-page 12, line 7.

Therefore, no combination of Malave et al. and Estes et al. will result in the claimed invention. The applicant requests withdrawal of the pending rejection.

2. Claim 14

Claim 14 depends from claim 8 and thus also sets forth a pump with memory storing a banner and a processor programmed to display the banner. As discussed above, Malave et al. fails to teach or suggest a pump with memory storing a banner or a processor programmed to display the banner.

Estes et al. also fails to teach a pump having a banner. In support of the rejection, the office action site paragraph 34 and Figure 4 from Estes et al as teaching "downloading the banner to the pump." However, paragraph 34 from Estes et al. actually teaches downloading stored information, programs, and data from the infusion device to a local PC, laptop, communication station, or the like, which is transferring information in

the opposite direction as quoted in the office action. Figure 4 is a display on a computer not on a pump. Estes et al. does not have any teaching that suggests the memory 106 in the infusion device 100 stores a banner or that the display 114 on the infusion device displays a banner as set forth in the present claims.

Therefore, no combination of Malave et al. and Estes et al. will result in a pump with memory storing a banner and a processor programmed to display the banner. The applicant requests withdrawal of the pending rejection.

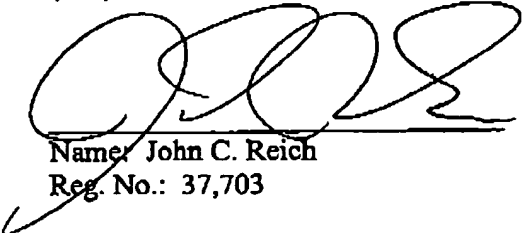
C. Conclusion

In light of the above remarks, the applicant respectfully submits that the pending claims are patentably distinct from the cited references, and request withdrawal of the pending rejection. The applicant notes that there may be other reasons that then pending claims are patentably distinct in addition to those presented herein and reserves the right to raise any such arguments in the future.

Please call the undersigned attorney if there are any questions or if it would be helpful to discuss any issues during the examination of this application.

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